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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,819	12/16/2003	Kil-soo Jung	1293.1721	2879

49455 7590 05/14/2008

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EXAMINER	
CHIO, TAT CHI	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/735,819	JUNG ET AL.	
	Examiner	Art Unit	
	TAT CHI CHIO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10, and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/6/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/19/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1-7 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 and 10-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/735,850 Although the conflicting claims are not identical, they are not patentably distinct from each other because the medium of the instant application can be reproduced by the method of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles; and clip information corresponding to the clip AV streams wherein each unit of the clip information comprises an entry point map comprises information on entry points of a corresponding one of the clip AV streams for random access, and information on whether each of the entry points is an angle change point through which the motion picture is reproduced from one angle to anther angle, wherein the clip information is provided in a separate area from that of the motion picture.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the method of reproducing information from claim 1 of the instant application.

Consider claim 2, the medium wherein the information on whether each of the entry points is an angle point comprises location information of the entry points among the AV stream.

Claim 2 of the instant application is conflicting with claim 2 of the copending application, which directs to the method of reproducing information from claim 2 of the instant application.

Consider claim 3, the medium wherein the clip AV streams corresponding to motion picture data for different angles are interleaved with respect to each other.

Claim 3 of the instant application is conflicting with claim 1 of the copending application, which directs to the method of reproducing information from claim 3 of the instant application.

Consider claim 10, an apparatus for reproducing motion picture data for different angles corresponding to a motion picture from an information storage medium, the apparatus comprising: a reading unit which reads clip AV streams corresponding to the motion picture data for different angles, the clip AV streams being interleaved with respect to each other, from the information storage medium; and a reproduction unit which reproduces the clip AV streams according to clip information corresponding to the clip AV streams provided in a separate area of the information storage medium from that of the interleaved clip AV streams, wherein each unit of clip information comprises an entry point map comprising information on entry points of a corresponding one of the clip AV streams for random access, and information on whether each of the entry points is an angle change point, wherein the angle change point is a point through which the motion picture is reproduced from one angle to another angle.

Claim 10 of the instant application is conflicting with claim 1 of the copending application, which directs to the method of using the apparatus of claim 10 of the instant application.

Consider claim 11, the apparatus, wherein the information on whether each of the entry points is an angle change point comprises location information of the entry points among the AV streams.

Claim 11 of the instant application is conflicting with claim 2 of the copending application, which directs to the method of using the apparatus of claim 11 of the instant application.

Claims 4-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/735,850 in view of Nakai et al. (5,999,698).

Consider claim 4, the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data.

Claims of the copending application 10/735,850 does not explicitly teach the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data.

However, Nakai et al. teach the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data (Fig. 38 of Nakai et al. shows that the angle change points correspond to boundaries of interleaved units). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate angle change points correspond to the boundaries of interleaved units to facilitate seamless angle change.

Consider claim 5, the medium further comprising playlist information which comprises at least one playitem that corresponds to the clip AV streams (Fig. 13 of Nakai et al. shows the playitems (cells) corresponding to the clip AV streams in the playlist (program chain)).

Consider claim 6, the medium further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles (Fig. 38 of Nakai et al. shows an angle block that comprises information on different angles).

Consider claim 7, the medium wherein the angle block information further comprises information on a number of different angles for the motion picture (Fig. 18 of Nakai et al. shows the number of angles information).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

This is a provisional obviousness-type double patenting rejection.

Claims 1-3 and 10-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/735,823. Although the conflicting claims are not identical,

they are not patentably distinct from each other because the medium of the instant application can be reproduced by the method of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles; and clip information corresponding to the clip AV streams wherein each unit of the clip information comprises an entry point map comprises information on entry points of a corresponding one of the clip AV streams for random access, and information on whether each of the entry points is an angle change point through which the motion picture is reproduced from one angle to anther angle, wherein the clip information is provided in a separate area from that of the motion picture.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the apparatus that reproduces information from claim 1 of the instant application.

Consider claim 2, the medium wherein the information on whether each of the entry points is an angle point comprises location information of the entry points among the AV stream.

Claim 2 of the instant application is conflicting with claim 2 of the copending application, which directs to the apparatus that reproduces information from claim 2 of the instant application.

Consider claim 3, the medium wherein the clip AV streams corresponding to motion picture data for different angles are interleaved with respect to each other.

Claim 3 of the instant application is conflicting with claim 1 of the copending application, which directs to the apparatus that reproduces information from claim 3 of the instant application.

Consider claim 10, an apparatus for reproducing motion picture data for different angles corresponding to a motion picture from an information storage medium, the apparatus comprising: a reading unit which reads clip AV streams corresponding to the motion picture data for different angles, the clip AV streams being interleaved with respect to each other, from the information storage medium; and a reproduction unit which reproduces the clip AV streams according to clip information corresponding to the clip AV streams provided in a separate area of the information storage medium from that of the interleaved clip AV streams, wherein each unit of clip information comprises an entry point map comprising information on entry points of a corresponding one of the clip AV streams for random access, and information on whether each of the entry points is an angle change point, wherein the angle change point is a point through which the motion picture is reproduced from one angle to another angle.

Claim 10 of the instant application is conflicting with claim 1 of the copending application. It is noted that claim 10 of the instant application is broader than claim 1 of the copending application.

Consider claim 11, the apparatus, wherein the information on whether each of the entry points is an angle change point comprises location information of the entry points among the AV streams.

Claim 11 of the instant application is conflicting with claim 2 of the copending application. It is noted that claim 10 of the instant application is broader than claim 2 of the copending application.

Claims 4-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/735,823 in view of Nakai et al. (5,999,698).

Consider claim 4, the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data.

Claims of the copending application 10/735,823 does not explicitly teach the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data.

However, Nakai et al. teach the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data (Fig. 38 of Nakai et al. shows that the angle change points correspond to boundaries of interleaved units). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate angle change points correspond to the boundaries of interleaved units to facilitate seamless angle change.

Consider claim 5, the medium further comprising playlist information which comprises at least one playitem that corresponds to the clip AV streams (Fig. 13 of Nakai et al. shows the playitems (cells) corresponding to the clip AV streams in the playlist (program chain)).

Consider claim 6, the medium further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles (Fig. 38 of Nakai et al. shows an angle block that comprises information on different angles).

Consider claim 7, the medium wherein the angle block information further comprises information on a number of different angles for the motion picture (Fig. 18 of Nakai et al. shows the number of angles information).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

> Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter and should be rejected under 35 U.S.C. 101. Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping or sequence of musical notes read from memory and thereafter causes another defined series of notes to be played, requires a functional

> interrelationship among that data and the computing processes performed when utilizing that data. As such, a claim to that computer is statutory subject matter because it implements a statutory process.

6. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 1-7 recite an information storage medium which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al. (5,999,698).

Consider claim 1, Nakai et al. teach an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles (Fig. 34 shows the angle information corresponding to motion picture for different angles); and clip information corresponding to the clip AV streams wherein each unit of the clip information comprises an entry point map comprises information on entry points of a

corresponding one of the clip AV streams for random access (Fig. 36 shows an entry point map because the address of destination is also an entry point), and information on whether each of the entry points is an angle change point through which the motion picture is reproduced from one angle to anther angle (Fig. 36, all of the address of destination is angle change point), wherein the clip information is provided in a separate area from that of the motion picture (Fig. 33 and Fig. 34 shows that the clip information and the motion picture are stored in a separate area. The clip information is stored in DSI, which is stored in the navigation pack. The motion picture is stored in the groups of packs).

Consider claim 2, Nakai et al. teach the medium, wherein the information on whether each of the entry points is an angle change point comprises location information of the entry points among the AV stream (Fig. 36, the address is the location information of the entry points).

Consider claim 3, Nakai et al. teach the medium, wherein the clip AV streams corresponding to motion picture data for different angles are interleaved with respect to each other (col. 21, lines 59-66).

Consider claim 4, Nakai et al. teach the medium, wherein the angle change points correspond to boundaries of interleaved units of the interleaved motion picture data (Fig. 38 shows that the angle change points correspond to boundaries of interleaved units).

Consider claim 5, Nakai et al. teach the medium, further comprising playlist information which comprises at least one playitem that corresponds to the clip AV

streams (Fig. 13 shows the playitems (cells) corresponding to the clip AV streams in the playlist (program chain)).

Consider claim 6, Nakai et al. teach the medium, further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles (Fig. 38 shows an angle block that comprises information on different angles).

Consider claim 7, Nakai et al. teach the medium wherein the angle block information further comprises informaiton on a number of different angles for the motion picture (Fig. 18 shows the number of angles information).

Consider claim 10, Nakai et al. teach an apparatus for reproducing motion picture data for different angles corresponding to a motion picture from an information storage medium, the apparatus comprising: a reading unit which reads clip AV streams corresponding to the motion picture data for different angles (Fig. 1), the clip AV streams being interleaved with respect to each other (col. 21, lines 59-66), from the information storage medium; and a reproduction unit which reproduces the clip AV streams according to clip information corresponding to the clip AV streams provided in a separate area of the information storage medium from that of the interleaved clip AV streams (Fig. 33 and Fig. 34 shows that the clip information and the motion picture are stored in a separate area. The clip information is stored in DSI, which is stored in the navigation pack. The motion picture is stored in the groups of packs), wherein each unit of clip information comprises an entry point map comprising information on entry points

of a corresponding one of the clip AV streams for random access (Fig. 36 shows an entry point map because the address of destination is also an entry point), and information on whether each of the entry points is an angle change point (Fig. 36, all of the address of destination is angle change point), wherein the angle change point is a point through which the motion picture is reproduced from one angle to another angle.

Consider claim 11, Nakai et al. teach the apparatus, wherein the information on whether each of the entry points is an angle change point comprises location information of the entry points among the AV streams (Fig. 36, the address is the location information of the entry points).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621